

**REMARKS**

The original abstract has been replaced by a new abstract to correct typographical errors.  
Claims 15 and 26 have been amended to correct typographical errors.

Entry of the above amendment is respectfully requested.

**Object to the Specification**

On page 2 of the Office Action, in paragraph 2, the Examiner has objected to the abstract of the disclosure.

In response, Applicant has amended the abstract to address the issues raised by the Examiner. Accordingly, Applicant submits that this objection has been overcome, and withdrawal of the objection is respectfully requested.

**Objection to Claim 15**

On page 2 of the Office Action, in paragraph 3, the Examiner has objected to claim 15 because the claim refers to component (A) but the compounds listed appear to compounds of component (B).

In response, Applicant has amended claim 15 (and claim 26) to recite component (B) instead of component (A). Accordingly, Applicant submits that this objection has been overcome, and withdrawal of the objection is respectfully requested.

**Anticipation Rejections over Fukushima**

On page 3 of the Office Action, in paragraph 5, claims 7-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al (US 5,969,867). Further, on page 4 of the Office

Action, in paragraph 6, claims 18-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukushima et al (US 5,969,867).

In the response, Applicant submits the following.

The present invention is a selection invention in which (A) a di(meth)acrylate represented by the general formula (1) of the present invention and (B) a mono(meth)acrylate represented by the general formula (2) of the present invention in particular were selected.

In contrast, Formula (B-1) in Fukushima et al. is quite broad and cannot be fairly said to anticipate the present invention.

Further, the Examples in Fukushima et al. do not use component (A) of the present invention.

In addition, Example 11 in Fukushima et al. uses BPA-5, which is not defined in the specification. Applicant believes that BPA-5 is BPM-5 or BPA-2; neither BPM-5 nor BPA-2 is within the scope of formula (1) of the present invention, because neither BPM-5 nor BPA-2 contains a sulfur atom, which is required in formula (1) of the present invention.

Thus, Applicant submits that the present invention is not anticipated by or even obvious over Fukushima et al.

Moreover, in further regard to the issue of non-obviousness, an optical material of the present invention is excellent in transparency, refractive index and light transmittance, as described in Table 2 in the present application and in the additional experimental data set forth in the Rule 132 Declaration submitted herewith (the executed version will be filed when received).

In particular, as shown in the Rule 132 Declaration, an optical material of the present invention is especially excellent in transparency, which would not have been expected from Fukushima et al., and thus the Declarant concludes that the present invention provides

unexpectedly superior results. Therefore, the present invention is not obvious for this additional reason.

Thus, Applicant submits that the present invention is neither anticipated by nor obvious over Fukushima et al., and withdrawal of the rejections over Fukushima et al. is respectfully requested.

### **Obviousness-Type Double Patenting Rejection**

On page 6 of the Office Action, in paragraph 7, claims 7-26 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 5-24 of copending Application No. 10/578,623 in view of Fukushima et al (US 5,969,867).

In response, Applicant respectfully submits that the present claims are not obvious over claims 5-24 of the copending application because of the difference between formula (1) of U.S. Application No. 10/578,623, which includes alkyleneoxy groups, and formula (1) of the present invention, which does not include such groups. Further, it is submitted that there is no disclosed advantage in the cited art which would have motivated one to modify the copending claims to arrive at the present invention.

Thus, Applicant submits that the present invention is not obvious over the claims of copending Application No. 10/578,623, and withdrawal of this rejection is respectfully requested.

### **Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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